THE KARMEL LAW FIRM

CHICAGO OFFICE: 221 North La Salle Street, Suite 1550 Chicago, Illinois 60601

Telephone (312) 641-2910 Fax (312) 641-0781 www.karmellawfirm.com

MICHIGAN OFFICE: P.O. Box 647 Douglas, Michigan 49406

January 18, 2019

Gary Shinners, Executive Secretary National Labor Relations Board 1015 Half Street SE Washington, D.C. 20570-0001

Re:

<u>UFCW Local 951 – Case No. 07-RD-228723</u>

Dear Mr. Shinners:

Enclosed please find UFCW Local 951's refiling of its Request for Review. We understand that the initial filing will be "rejected" and included Exhibits P-T, which have been removed from this filing. No other changes have been made to the Request for Review. Thank you for your consideration.

Very truly yours,

THE KARMEL LAW FIRM

Jonathan D. Karmel

JDK/bjh

Enclosure

cc: Steven Marrs Kris Barry



### UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED FOOD AND COMMERCIAL	)	
WORKERS LOCAL 951,	)	
Employer,	)	
and	)	
KRIS BARRY,	) Case No. 07-RD-22872	3
Petitioner,	)	
and	)	
FEDERATION OF AGENTS AND	)	
INTERNATIONAL REPRESENTATIVES,	)	
Union.	)	

UNITED FOOD AND COMMERCIAL WORKERS LOCAL 951'S REQUEST FOR REVIEW OF THE REGIONAL DIRECTOR'S ACTION TO HOLD IN ABEYANCE THE PETITION IN CASE NO. 07-RD-228723

NOW COMES United Food and Commercial Workers Local 951 ("Local 951"), by its attorneys, and pursuant to §102.71 of the National Labor Relations Board Rules and Regulations, as amended, hereby submits its Request for Review of the Regional Director's action to hold in abeyance the petition filed by Kris Barry ("Petitioner") in Case No. 07-RD-228723 (Ex. A). More specifically, a request for review is sought with respect to the Regional Director's action that the petition must be held in abeyance because, "[u]ntil the alleged unfair labor practices pending in Cases 07-CA-221165, 07-CA-223306, 07-CA-225023 and 07-CA-213190 [collectively, "alleged unfair labor practices"] are remedied, they could affect the free choice of employees in an election were one to be conducted" (Ex. A).

Significantly, the Regional Director made no finding that there is a causal nexus between the alleged unfair labor practices and the filing of the petition and its expression of employee disaffection with the Federation of Agents and International Representatives ("FAIR"). See *Saint Gobain Abrasives, Inc.*, 342 NLRB 434 (2004) (the Board concluded that a hearing should be held to resolve genuine factual issues as to whether there was a causal nexus between the alleged unfair labor practices and the filing of the decertification petition before the dismissal such a petition). For this, and other reasons, the Regional Director's action should be reversed.

#### I. PROCEDURAL BACKGROUND AND ALLEGED UNFAIR LABOR PRACTICES

On October 3, 2017, FAIR was certified in 07-RC-204451 as the exclusive collective bargaining representative of the Business Agents employed by Local 951. Thereafter, FAIR has filed the following unfair labor practice charges. As more fully set forth herein, most of the charge allegations were withdrawn, while the Regional Director found merit to only a few, none of which are serious enough to affect a fair election or are concurrent with the petition.

#### a. Case No. 07-CA-213190.

On January 17, 2018, FAIR filed a charge in Case No. 07-CA-213190 alleging discrimination against its bargaining committee members and a unilateral change in terms and conditions of employment, all in violation of §§ 8 (a) (3) and (5) (Ex. B). FAIR filed a first amended charge on April 4, 2018 (Ex. C).

The charges allege that Local 951 discriminated against and unilaterally changed terms and conditions of employment when it installed Global Positioning Systems ("GPS") in Local 951 provided automobiles of two Business Agents who were FAIR bargaining committee members, and by reassigning the servicing territories of these employees and withholding their expense

monies (Exs. B, C). Local 951 presented evidence to the Region that the practice of installing GPS trackers preceded by many months the filing of the RC petition by FAIR and its certification. After investigation, by letter dated April 30, 2018, the Regional Director approved the withdrawal of the charges with the exception of the allegation that Local 951 violated §8 (a) (5) by installing the GPS trackers (Ex. D). On May 18, 2018, a Complaint was issued, along with a Notice of Hearing for September 27, 2018 (Ex. E). The hearing in this matter has been rescheduled at the request of the General Counsel.

#### b. Case No. 07-CA-221165.

On May 31, 2018, FAIR filed a charge in Case No. 07-CA-221165 alleging §§8(a)(3) and (5) discriminatory changes to terms and conditions of employment (Ex. F). The charge was amended on July 30, 2018 alleging §8(a)(4) discrimination (Ex. G). More specifically, the charges allege that Local 951 unlawfully issued a one-day suspension to a Business Agent for inaccurate record keeping, unilaterally changed its vacation procedure and failed to furnish FAIR with all of the information it requested (Exs. F, G).

After investigation, by letter dated September 28, 2018, the Regional Director approved the withdrawal of the charge allegations with the exception of the failure to provide information allegation (Ex. H). In this regard, Local 951 provided all of the requested information in its possession, but asked for a clarification from FAIR regarding its request for vacation and funeral leave information. FAIR never responded to the request for clarification. As a result, Local 951 did not provide the information and argued to the Region that this allegation was without merit due to FAIR's refusal to respond to the request for clarification. See *IGT d/b/a International Game Technology and IUOE Local 501*, 366 NLRB No. 170 (August 24, 2018).

#### c. <u>Case No. 07-CA-223306</u>.

On July 6, 2018, FAIR filed a charge in Case No. 07-CA-223306 alleging discrimination against two Business Agents by changing the terms and conditions of their employment in violation of §8 (a) (3) (Ex. I). On August 14, 2018, this charge was amended to allege a failure to bargain over the unilateral changes in violation of §8(a)(5) (Ex. J). More specifically, FAIR alleged that Local 951 used Performance Improvement Plan ("PIP") memos to counsel two Business Agents concerning their work performance. No discipline was issued as a result of these PIPs. After investigation, by letter dated November 30, 2018, the Regional Director approved the withdrawal of the §8 (a) (3) allegation, while the unilateral change allegation concerning the use of the PIPs remained subject to further processing (Ex. K).

#### d. Case No. 07-CA-225023.

On August 6, 2018, FAIR filed a charge in Case No. 07-CA-225023 alleging that Local 951 unlawfully instituted a practice of requiring Business Agents to maintain membership quotas which were used for discipline and termination in violation of §8 (a) (3) (Ex. L). This charge was amended on September 11, 2018, alleging that Local 951 failed or refused to bargain over the membership quota requirement in violation of §8 (a) (5) (Ex. M). FAIR filed a second amended charge on November 6, 2018, alleging that Local 951's Secretary-Treasurer made an isolated and coercive statement<sup>1</sup> to a Business Agent in violation of §8 (a) (1) (Ex. N). By letter dated November 30, 2018, the Regional Director approved the withdrawal of all of the charge allegations except the §8 (a) (1) statement which remained subject to further processing (Ex. O).

<sup>&</sup>lt;sup>1</sup> The alleged statement, which Local 951 denies, is that Local 951 had "no other choice but to place a GPS on your [employee] car because FAIR was making Local 951 do it."

#### II. BASIS FOR REQUEST FOR REVIEW

Pursuant to §102.71 (b) (1) (ii) and (3) of the National Labor Relations Board Rules and Regulations, Local 951 requests review of the Regional Director's action that the petition be held in abeyance pending the remedy of the alleged unfair labor practices.

#### III. ARGUMENT

The basis of the Regional Director's decision to hold the petition in abeyance is that the unremedied alleged unfair labor practices "could affect the free choice of employees in an election were one to be conducted" (Ex. A). Under the facts of this case, this decision departs from established Board policy and law and is arbitrary and capricious. As such, the Regional Director's action denies the employees the right to exercise their choice with respect to union representation.

In deciding whether to hold a petition in abeyance, the Board's blocking policy provides: "If at any time during or after investigation the regional director establishes that there was no causal relationship between the unfair labor practice allegations in the decertification petition, the regional director should not give further consideration to dismissing the petition and should reconsider whether the charge should continue "blocking" the processing of the petition" Case Handling Manual ("CHM") §11730.4. (Emphasis supplied) In this case, there was no finding of a causal relationship, and the alleged unfair labor practices were not concurrent with the petition.<sup>2</sup> Accordingly, the Regional Director in this case ignored this important Board policy thereby making the decision to continue to hold in abeyance the processing of the petition arbitrary and capricious.

<sup>&</sup>lt;sup>2</sup> The concurrent blocking charges filed in Case No. 07-CA-228866 were dismissed and are not part of the Regional Director's action (Ex. A).

Moreover, the alleged unfair labor practices are neither serious enough to affect the employees' free choice in an election and were filed months before the petition. In this regard, the unilateral change or failure to furnish information allegations, among the alleged unfair labor practices, do not "require dismissal of the petition. If the remedy .... would not have an effect on the bargaining relationship" See *CHM*, §11730.3. There is no evidence that any of these charges would have an affect on the bargaining relationship.

In addition, beyond the Regional Director's bare conclusion, the January 15 letter fails to provide any reasons why these old and unrelated alleged unfair labor practices could affect employee free choice. How, for example, can the isolated statement made to a single employee and that contained no threat affect the free choice of the other unit employees? Or the installation of a GPS tracker more than a year ago and that resulted in no discipline affect the free choice of the unit employees? Given all this, the Regional Director's decision is an abuse of discretion and denies the employees their fundamental Section 7 right to decide promptly whether they wish to be represented by FAIR. See *Finley Hospital*, (Unpublished), 2012 BL 494093 (Hayes dissent). Denying the Local 951 Business Agents a prompt and timely opportunity to make their decision is beyond puzzling in this case. The alleged unfair labor practices have been pending for months, some as long as more than a year. Absent any evidence of a causal nexus between the alleged unfair labor practices and the filing of the petition or the disaffection with FAIR, these charges should not be allowed to deprive the employees of their right to choose.

#### IV. CONCLUSION.

In the end, it should not be presumed that the alleged unfair labor practices could affect the employees' free choice in an election without any evidence of a causal nexus, of which there is none. Based on all of the above, UFCW Local 951 respectfully requests that the Regional Director's action be reversed.<sup>3</sup>

Respectfully submitted,

/s/ Jonathan D. Karmel
Jonathan D. Karmel
Attorney for UFCW Local 951

The Karmel Law Firm 221 N. LaSalle Street, Suite 1550 Chicago, IL 60601 (312) 641-2910 jon@karmellawfirm.com

<sup>&</sup>lt;sup>3</sup> Applying the Board's Impact Analysis, resolution of this Request for Review should receive the highest Category III priority and allow the employees the opportunity to choose as soon as practicable.

#### **CERTIFICATE OF SERVICE**

I, Jonathan D. Karmel, an attorney, hereby certify that on January 18, 2019, I caused the United Food and Commercial Workers Local 951's Request for Review of the Regional Director's Action to Hold in Abeyance the Petition in Case No. 07-RD-228723 to be filed electronically to the following:

Gary Shinners, Executive Secretary National Labor Relations Board 1015 Half Street SE Washington, D.C. 20570-0001

and served by U.S. Mail to the following:

Steven Marrs, President Federation of Agents and International Representatives PO Box 760 Roseville, CA 95661-0760

Kris Barry 521 Bay Drive Lake Odessa, MI 48849

/s/ Jonathan D. Karmel
Jonathan D. Karmel

THE KARMEL LAW FIRM 221 North LaSalle Street, Suite 1550 Chicago, IL 60601 (312) 641-2910 jon@karmellawfirm.com



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 7 Patrick V. McNamara Federal Building 477 Michigan Avenue, Room 300 Detroit, MI 48226

Agency Website: www.nlrb.gov Telephone: (313)226-3200 Fax: (313)226-2090

January 15, 2019

Kris Barry 521 Bay Drive Lake Odessa, MI 48849

Re:

United Food and Commercial Workers, Local No. 951 (UFCW), AFL-CIO Case 07-RD-228723

Dear Ms. Barry:

On January 10, 2019, this office sent notification that the petition in the above-captioned case will be held in abeyance until the alleged unfair labor practices pending in Cases 07-CA-221165, 07-CA-223306, 07-CA-225023 and 07-CA-228866 are remedied. This is to advise you that the January 10 notification inadvertently omitted Case 07-CA-213190 as a basis for holding the petition in abeyance, and mistakenly included Case 07-CA-228866<sup>1</sup>. To clarify, until the alleged unfair labor practices pending in Cases 07-CA-221165, 07-CA-223306, 07-CA-225023, and 07-CA-213190 are remedied, they could affect the free choice of employees in an election were one to be conducted. Therefore, any further proceedings in this case, including an election, are indefinitely postponed pending the resolution of the unfair labor practice charges in these cases.

Right to Request Review: Pursuant to Section 102.71 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. The request for review shall be submitted in eight copies, unless filed electronically, with a copy filed with the regional director, and all copies must be served on all the other parties. The request must contain a complete statement setting forth facts and reasons upon which the request is based.

Procedures for Filing Request for Review: A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (5 p.m. Eastern Time) on January 29, 2019, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is accomplished by no later than 11:59 p.m. Eastern Time on January 29, 2019.

Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically. Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

<sup>&</sup>lt;sup>1</sup> A Complaint and Notice of Hearing issued in Case 07-CA-213190 on May 18, 2018, and is scheduled for a hearing on February 19, 2019, and Case 07-CA-228866 was dismissed on December 28, 2018.



United Food and Commercial Workers, Local No. 951 (UFCW), AFL-CIO Case 07-RD-228723

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at <a href="www.nlrb.gov">www.nlrb.gov</a>. Once the website is accessed, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

The Board may grant special permission for an extension of time within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the regional director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

Dei F Son

Dennis Boren Acting Regional Director

cc: Office of the Executive Secretary (by e-mail)

John Cakmakci, President Local 951, United Food and Commercial Workers (UFCW), AFL-CIO 3270 Evergreen Drive, NE Grand Rapids, MI 49525

Jonathan D. Karmel, Esq. The Karmel Law Firm 221 N LaSalle St Ste 1550 Chicago, IL 60601-1224

Steven Marrs, President
Federation of Agents and International
Representatives
PO Box 760
Roseville, CA 95661-0760

VI:U5:U0 p.m.

UI-1/-2U10

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INTERNET FORM NLRB-801 (2-06)

INSTRUCTIONS:

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

	1		FORM EXEMPT UNDER 44 U.S.C 3512	
DO	NOT	WRITE	IN THIS SPACE	

DO NOT WRITE	in this spa	CE	
Case 07-CA-213190	Date Filed January	17,	2018

File an original with NLRB Regional Director for the region in which if	No. of the second secon		30210027 277 2010
1. EMPLOYER A	SAINST WHOM CHARGE IS BROUGHT	urring.	
a. Name of Employer	SAINST WHOM CHARGE IS BROUGHT	6 %	al Ma
Local 951, United Food and Commercial Workers	nternational Union (UFCW), AFL-CIC	0. 16	al. No. 800-999-0951
d. Address (Street, city, state, and ZIP code) 3270 Evergreen Drive N.E.	e. Employer Representative John Cakmakci	f. Fa	010-447-1000
Grand Rapids, Michigan 49525	President	g. e-l	Mali
Turns of Establishment #		h. Ne	mber of workers employed 22
Type of Establishment (factory, mine, wholesaler, etc.)     Labor Organization	j. Identify principal product or service Representation of Workforce		
k. The above-named employer has engaged in and is engaging subsections) (3), (5)	in unfair labor practices within the meaning of	section 8(a),	subsections (1) and (list
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practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A	of the Act, or these unfair labor practices are act.	unfair practi	ces affecting commerce
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfeir labor	practicesi	
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Since about November 2017, the Employer has disc because of their union activities.	criminated against its employees by w	rithholding	their expense monles
3. Full name of party filing charge (if labor organization, give full	name, including local name and number		113
Federation of Agents and International Representati	<del>_</del>		į
4a. Address (Street and number, city, state, and ZIP code)	743	145 7010	
P.O. Box 760, Roseville, CA 95661		4c. Cell N	lo. 813-727-2014
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Full name of national or international labor organization of white organization)     Federation of Agents and International R	ch it is an affiliate or constituent unit <i>(to be fille)</i> Apresentatives	d in when ch	arge is filed by a labor
I declare that I have great the shows characters 48. DECLARATION		Tel. No.	
I declare that I have read the above charge and that the statements a	re true to the best of my knowledge and belief.		313-727-2014
	n Marrs, President	Office, if a	ny, Cell No.
(b)	intrippe name and title or office, if any)	Fax No.	
Address P.O. Box 760, Roseville, CA 75661	1-17-18	e-Mail imarre@	)aol.com
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE I	*UNISHED BY FINE AND DESCRIPTION	Jinditale	Sections.

PRIVACY ACT STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the I the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



FORM	EXEMPT	LNDER	441	SC	3513

INTERNET	UNITED STATES OF AMERIC	0.4		FORM EXEMPT UNDER 44 U.S.C 3512
FORM NLRB-501 (2-08)	NATIONAL LABOR RELATIONS 6	BOARD	DO NO	T WRITE IN THIS SPACE
IRST AMENDED	CHARGE AGAINST EMPLO	YER	Case	Date Filed
INSTRUCTIONS:			07~CA-213190	April 4, 2018
File an original with NLRE I	Regional Director for the region in which	the alleged unfair labor prac	tice occurred or is occu	rring.
a. Name of Employer	1. EMPLOYER	AGAINST WHOM CHA	RGE IS BROUGHT	
	Food and Commonical Market	B. d		b. Tel. No. 800-999-0951
	Food and Commercial Workers	international Union (	UFCW), AFL-CIO	c. Cell No.
				C. Cell No.
d. Address (Street, city,	state and 7IP code)	- Parker - D	2	f. Fax No. 616-447-1000
3270 Evergreen Dr	ive N.E.	e. Employer Represen John Cakmakci	lative	
Grand Rapids, Mich	nigan 49525	President		g. e-Mail
				h. Number of workers employed
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k. The above-named em	ployer has engaged in and is engaging	in unfair labor practices v	within the magnine of a	Action 9/a) a shareful as (d)
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declare that I have read to	he above charge and that the statements	are true to the best of my kno	owledge and belief.	Tel. No. 813-727-2014

P.O. Box 760, Roseville, CA 75661

(signature of representative or person making charge)

Steven Mans, President (Print/type name and title or office, if any)

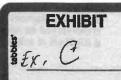
813-727-2014

Office, if any, Cell No.

jmarrs1922@aol.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information will cause the NLRB to decline to invoke its processes.





## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 7 Patrick V. McNamara Federal Building 477 Michigan Avenue, Room 300 Detroit, Mi 48226

Agency Website: www.nlrb.gov Telephone: (313)226-3200 Fax: (313)226-2090

April 30, 2018

Jonathan D. Karmel, Esq. The Karmel Law Firm 221 N LaSalle St Ste 1550 Chicago, IL 60601-1224

Re:

United Food and Commercial Workers, Local No. 951 (UFCW), AFL-CIO

Case 07-CA-213190

Dear Mr. Karmel:

cc:

This is to advise that I have approved the withdrawal of the portion of the charge alleging that the Employer discriminated against its employees by installing Global Positioning Systems on bargaining committee members' vehicles in violation of Section 8(a)(3) of the Act and discriminated against its employees by reassigning bargaining committee members' representational territories in violation of Section 8(a)(3) and (5).

The remaining allegation that the Employer violated Section 8(a)(5) of the Act by modifying terms and conditions of employment by installing Global Positioning Systems on bargaining committee members' vehicles remains subject to further processing.

Very truly yours,

TERRY MORGAN Regional Director

John Cakmakci, President
Local 951, United Food and Commercial
Workers International Union (UFCW),
AFL-CIO
3270 Evergreen Drive, NE
Grand Rapids, MI 49525

Steven Marrs, President
Federation of Agents and International
Representatives
PO Box 760
Roseville, CA 95661-0760



# UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION SEVEN

Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO

Respondent

and

Case 07-CA-213190

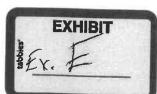
Federation of Agents and International Representatives

**Charging Party** 

### COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the Charging Party. It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent has violated the Act as described below.

- 1. (a). The charge in this proceeding was filed by the Charging Party on January 17, 2018, and a copy was served on Respondent by U.S. mail on January 18, 2018.
- (b). The amended charge in this proceeding was filed by the Charging Party on April 4, 2018, and a copy was served on Respondent by U.S. mail on the same date.
- 2. (a). At all material times, Respondent, a labor organization, has been an unincorporated association with a place of business in Grand Rapids, Michigan (Grand Rapids facility), where it represents employees in bargaining with employers.
- (b). At all material times, Respondent has been chartered by and has been an integral part of a multistate labor organization, United Food and Commercial Workers International Union (UFCW), AFL-CIO (International Union) that maintains its national headquarters in Washington D.C.
- (c). In conducting its operations during the calendar year ending December 31, 2017, Respondent collected and received dues and initiation fees in excess of \$1,000,000, and remitted from its Grand Rapids facility to the Washington D.C. facility of the International Union dues and initiation fees in excess of \$50,000.
- 3. At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.



- 4. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.
- 5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act, and agents of Respondent within the meaning of Section 2(13) of the Act.

John Cakmacki – President Todd Regis – Vice President Karin Hopman – Recorder

6 (a). The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

All full-time and regular part-time business agents employed by Respondent at or out of its facility located at 3270 Evergreen Drive, NE, Grand Rapids, Michigan; but excluding managers, clerical employees, and guards and supervisors as defined in the Act.

- (b). On October 3, 2017, the Board certified the Charging Party as the exclusive collective-bargaining representative of the Unit.
- (c). At all times since October 3, 2017, based on 9(a) of the Act, the Charging Party has been the exclusive collective-bargaining representative of the Unit.
- 7. Since about October 17, 2017, Respondent has unilaterally installed global positioning system tracking devices in vehicles that Respondent provides to its Unit employees.
- 8. The subject set forth in paragraph 7 relate to wages, hours, and other terms and conditions of employment of the Unit and is a mandatory subject for the purposes of collective-bargaining.
- 9. Respondent engaged in the conduct described above in paragraph 7, without prior notice to the Charging Party and without affording the Charging Party an opportunity to bargain with Respondent with respect to this conduct and the effects of this conduct.
- 10. By the conduct described above in paragraphs 7 through 10, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Sections 8(a)(1) and (5) of the Act.
- 11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

### WHEREFORE, it is prayed that Respondent be ordered to:

- 1. Cease and desist from engaging in the conduct described in paragraphs 7 through 10, or in any like or related manner failing or refusing to bargain collectively and in good faith with the Charging Party as the exclusive collective-bargaining representative of its employees.
  - Take the following affirmative actions:
- (a). Upon request by the Charging Party, bargain collectively and in good faith with the Charging Party as the exclusive collective-bargaining representative of the Unit employees concerning wages, rates of pay, hours of employment and other terms and conditions of employment.
- (b). Rescind any or all changes unilaterally implemented concerning the installation of GPS devices in vehicles provided by Respondent to bargaining unit employees and return to the status quo ante in such matters.
- (c). Remove any and all disciplinary actions that issued as a result of the unilaterally implemented changes and all references to such disciplines from Respondent's records; and notify employees individually, in writing, that it has been done and not use said disciplines against them in the future.
- (d) Destroy any and all data or records collected by the GPS tracking devices installed on its employees vehicles since September 25, 2017 to present.
  - (e) Post appropriate notices.

The General Counsel further prays for such other relief as may be just and proper to remedy the unfair labor practices herein alleged.

#### ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be <u>received by this office on or before June 1, 2018, or postmarked on or before May 31, 2018</u>. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to <a href="www.nlrb.gov">www.nlrb.gov</a>, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was

off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

#### NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on September 27, 2018, 10:00 a.m. at the Gerald R. Ford Federal Building, 110 Michigan Street, N.W., Room 299, Grand Rapids, Michigan, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: May 18, 2018

Terry Morgan

Regional Director

National Labor Relations Board

Region 07

Patrick V. McNamara Federal Building 477 Michigan Avenue, Room 300

Leny Honges

Detroit, MI 48226

Attachments

### Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. You may be represented at this hearing by an attorney or other representative. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: <a href="https://www.nirb.gov/sites/default/files/attachments/basic-page/node-1717/rules\_and\_regs\_part\_102.pdf">www.nirb.gov/sites/default/files/attachments/basic-page/node-1717/rules\_and\_regs\_part\_102.pdf</a>.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

#### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- Special Needs: If you or any of the witnesses you wish to have testify at the hearing have special needs
  and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as
  possible and request the necessary assistance. Assistance will be provided to persons who have handicaps
  falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R.
  100.603.
- Pre-hearing Conference: One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

#### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- Witnesses and Evidence: At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- Exhibits: Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- Transcripts: An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- Oral Argument: You are entitled, on request, to a reasonable period of time at the close of the hearing for
  oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for
  oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the
  understanding of the contentions of the parties and the factual issues involved.
- Date for Filing Post-Hearing Brief: Before the hearing closes, you may request to file a written brief or
  proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request
  and to will set a deadline for filing, up to 35 days.

#### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- Extension of Time for Filing Brief with the ALJ: If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- ALJ's Decision: In due course, the ALJ will prepare and file with the Board a decision in this matter.
   Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- Exceptions to the ALJ's Decision: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

INTERNET FORM NLRB-501 (2-08)

#### UNITEL ...AIES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

DO NOT WRITE IN THIS SPACE

Case

Date Filed

INSTRUCTIONS:

07-CA-221165

May 31, 2018

File an original with NLRB Regional Director for the major to which	de alle de la companya de la company	7 7
File an original with NLRB Regional Director for the region in which	are alleged unfair labor practice occurred or is occur	irring.
B. Name of Employer	AGAINST WHOM CHARGE IS BROUGHT	
		b. Tel. No. 800-999-0951
Local 951, United Food and Commercial Worker	s International Union (UFCW), AFL-CIO	
	, ,,	c. Celi No.
d. Address (Street, city, state, and ZiP code)	To Carrier B	f. Fax No. 616-447-1000
3270 Evergreen Drive N.E.	e. Employer Representative John Cakmakci	
Grand Rapids, Michigan 49525	I. I	g. e-Mail
Orana Napida, Michigan 49525	President	
	1	h. Number of workers employed 22
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
Labor Organization	Representation of Workforce	
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within the meaning of the Act and the Postal Reorganization	Act.	iniair practices affecting commerce
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3. Full name of party filing charge (if labor organization, give fu	ill name, including local name and number)	
Federation of Agents and International Representa	nti ma	
As Address (Street and surface 27 11 1 1 2 2	auves	
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. 813-727-2014
P.O. Box 760, Roseville, CA 95661		
8		4c. Cell No.
		·
		4d. Fax No.
		4e, e-Mail
		jmarrs1922@aol.com
5. Full name of national or international labor organization of wi	hich it is an affiliate or constituent unit to be filled	in without change in filed to a fat-
organization) Federation of Agents and International	Design and the second s	ui when charge is nied by a labor
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(signature of representative or person making charge)	(Print/type name and title or office, if any)	Protection.
		Fax No.
		a Mari
P.O. Box 760, Roseville, CA 75661	5-71-2.10	e-Mail
· AND THE COURSE OF STREET	J M 2012	
ddress	S-31-2018	jmarrs@aol.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the National Labor Relations Board (NLRB) in processing unfair lation practice and related proceedings or hitigation. The routine uses for the information the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



INTERNEY FORM NLRB-501 (2-08) First Amended

#### UNITED ST OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

Case

07 CA 22446E

DO NOT WRITE IN THIS SPACE Date Filed

A. Name of Employer  Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO  d. Post RAGAINST WHICHOM, CHARGE IS BROUGHT  Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO  d. Post RAGAINST WHICHOM, AFL-CIO  d. Post RAGAINST WHICH CHARGE IS BROUGHT  L. Cell No.  d. Fox No. 816-447-1000  3270 Evergreen Drive N.E.  Grand Rapids, Michigan 48526  l. Type of Establishment (factory, mine, wholesaler, etc.)  L. Type of Establishment (factory, mine, wholesaler, etc.)  L. Type of Organization  I. Type of Stablishment (factory, mine, wholesaler, etc.)  L. The above-mand employer has engaged in and is engaging in undur labor practices within the meaning of acation 8(0), subsections (1) and (ife of subsections) (3)(4)(5)  practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices are unfair practices are unfair practices are unfair practices and the Postal Recognization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Recognization Act.  3. Within the previous six months, the above-named Employer discriminated against its employeres for engaging in or in order to discourage union activities by unlawfully changing terms and conditions of employment. The Employer lock these actions without first providing notice to or an opportunity to be argain with the incumbent union.  2) Since about May 16, 2018 the Employer has failed and refused to bargein collectively and in good faith by failing to furnish information requested by the Union that is relevant and necessary for contract negotiations.  3) Within the previous six months, the Employer disciplined or otherwise discriminated against employees because they have given testimony under the Ac	INSTRUCTIONS:	07-CA-221165		July 30, 2018
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R. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (first subsections) (3), (4), (5) practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair labor unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act and the Postal Representatives and unfair labor practices affecting commerce unfair labor	Labor Organization	Representation of Markforce		
of the National Labor Relations Act, and these unfair labor practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the effected unfair labor practices)  1) Within the previous six months, the above-named Employer discriminated against its employees for engaging in or in order to discourage union activities by unlawfully changing terms and conditions of employment. The Employer took these actions without first providing notice to or an opportunity to bargain with the incumbent union.  2) Since about May 16, 2018 the Employer has failed and refused to bargain collectively and in good faith by failing to furnish information requested by the Union that is relevant and necessary for contract negotiations.  3) Within the previous six months, the Employer disciplined or otherwise discriminated against employees because they have given testimony under the Act.  3. Full name of party filing drange (if labor organization, give full name, including local name and number)  Federation of Agents and International Representatives  40. Tel. No. 813-727-2014  40. Tel. No. 813-727-2014  40. Tel. No. 41. Fax No. 42. Fax No. 44. Fax No. 45. DECLARTION Federation of Agents and International Representatives  41. Tel. No. 813-727-2014  42. Tel. No. 813-727-2014  43. Tel. No. 813-727-2014  44. Tel. No. 813-727-2014  45. DECLARTION Federation of Agents and International Representatives  55. DECLARTION Federation of Representatives  56. DECLARTION Federation of Representatives  57. Declar and the the statements are true to the best of my knowledge and beliat. Fax No. 75. Pederation of representatives Federation of representatives Federation of representatives Federation of representati	k. The above-named employer has engaged in and is engaging in	unfair labor practices within the meaning of	section 8(a)	Subsections (1) and (list
within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the effected unfair labor practices)  1) Within the previous six months, the above-named Employer discriminated against its employees for engaging in or in order to discourage union activities by unlawfully changing terms and conditions of employment. The Employer took these actions without first providing notice to or an opportunity to bargain with the incumbent union.  2) Since about May 16, 2018 the Employer has failed and refused to bargain collectively and in good faith by failing to furnish information requested by the Union that is relevant and necessary for contract negotiations.  3) Within the previous six months, the Employer disciplined or otherwise discriminated against employees because they have given testimony under the Act.  3. Full name of party filing charge (if labor organization, give full name, including local name and number)  Federation of Agents and International Representatives  4e. Address (Street and number, city, state, and ZIP code)  P.O. Box 760, Roseville, CA 95661  4b. Tel. No.  813-727-2014  4c. Cell No.  4d. Fax No.  4e. e-Mail   marrs 1922@aoi.com   Federation of Agents and International Representatives  6. DECLARATION  1 declare that I have read the above charge and hat the statements are true to the best of my knowledge and belief.  Steven Marrs, President  P.O. Box 760, Roseville, CA 75861  P.O. Box 760, Roseville, CA 75861	7 774 774 7	-235 - 55 -45		· ·
1) Within the previous six months, the above-named Employer discriminated against its employees for engaging in or in order to discourage union activities by unlawfully changing terms and conditions of employment. The Employer took these actions without first providing notice to or an opportunity to bargain with the incumbent union.  2) Since about May 16, 2018 the Employer has failed and refused to bargein collectively and in good faith by failing to furnish information requested by the Union that is relevant and necessary for contract negotiations.  3) Within the previous six months, the Employer disciplined or otherwise discriminated against employees because they have given testimony under the Act.  3. Full name of party filing charge (if labor organization, give full name, including local name and number)  Federation of Agents and International Representatives  4a. Address (Street and number, city, state, and ZIP code)  P.O. Box 760, Roseville, CA 95661  4b. Tel. No. 4c. Cell No. 4c. Cell No. 4c. e-Mail  7	The state of the s	of the Act, or these unfair labor practices and	e unfair practi	cas affecting commerce
1) Within the previous six months, the above-named Employer discriminated against its employees for engaging in or in order to discourage union activities by unlawfully changing terms and conditions of employment. The Employer took these actions without first providing notice to or an opportunity to bargain with the incumbent union.  2) Since about May 16, 2018 the Employer has failed and refused to bargein collectively and in good faith by failing to furnish information requested by the Union that is relevant and necessary for contract negotiations.  3) Within the previous six months, the Employer disciplined or otherwise discriminated against employees because they have given testimony under the Act.  3. Full name of party filing charge (if labor organization, give full name, including local name and number)  Federation of Agents and International Representatives  4a. Address (Street and number, city, state, and ZIP code)  P.O. Box 760, Roseville, CA 95661  4b. Tel. No. 4c. Cell No. 4c. Cell No. 4c. e-Mail  7	2. Basis of the Charge (set forth a clear and concise statement of	the facts constituting the alleged unfair labor	r practices)	1000
Federation of Agents and International Representatives  4a. Address (Street and number, city, state, and ZIP code)  P.O. Box 760, Roseville, CA 95661  4b. Tel. No. 813-727-2014  4c. Cell No.  4d. Fax No.  4e. e-Mail  jmarrs1922@aol.com  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  Federation of Agents and International Representatives  6. DECLARATION  i declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  By  Steven Marrs, President  (Printlype name and title or office, if any)  Fax No.  P.O. Box 760, Roseville, CA 75661	1) Within the previous six months, the above-named order to discourage union activities by unlawfully charactions without first providing notice to or an opportu.  2) Since about May 16, 2018 the Employer has failed furnish information requested by the Union that is rel.  3) Within the previous six months, the Employer discourage in the control of t	Employer discriminated against its anging terms and conditions of emp nity to bargain with the incumbent of and refused to bargain collectively	employees loyment. Thinlon.	ne Employer took these
Federation of Agents and International Representatives  4a. Address (Street and number, city, state, and ZIP code)  P.O. Box 760, Roseville, CA 95661  4b. Tel. No. 813-727-2014  4c. Cell No.  4d. Fax No.  4e. e-Mail  jmarrs1922@aol.com  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  Federation of Agents and International Representatives  6. DECLARATION  i declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  By  Steven Marrs, President  (Printlype name and title or office, if any)  Fax No.  P.O. Box 760, Roseville, CA 75661	3. Full name of party filing charge (if labor organization, give full n	ame, including local name and number)	Des +0 + +0 s +4	
4b. Tel. No. 813-727-2014  4c. Cell No. 4d. Fax No. 4d				
P.O. Box 760, Roseville, CA 95661  4c. Cell No.  4d. Fax No.  4e. e-Mail	4a. Address (Street and number, city, state, and ZIP code)	****	Jan Wal M	- Any
4c. Cell No.  4d. Fax No.  4e. e-Mail  jmarrs1922@aol.com  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor  Federation of Agents and International Representatives  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  By Allia Mann Steven Marrs, President  (Eignature of representative or person making charge)  Fax No.  P.O. Box 780, Roseville, CA 75861			10. 10I. N	<sup>6</sup> . 813-727-2014
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor Federation of Agents and International Representatives  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  By  Steven Marrs, President  (signature of representative or person making charge)  Fax No.  P.O. Box 760, Roseville, CA 75861  7-30/2018  4e. e-Mail  jmarrs 1922@aol.com  Tel. No.  813-727-2014  Office, if any, Cell No.	,		4c. Cell N	D.
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor Federation of Agents and International Representatives  6. DECLARATION  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  813-727-2014  8y Allows Steven Marrs, President  (signature of representative or person making charge)  Fax No.  P.O. Box 760, Roseville, CA 75861  7-30/2018  e-Mail			4d. Fax N	lo.
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor Federation of Agents and International Representatives  6. DECLARATION  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  813-727-2014  8y Allows Steven Marrs, President  (signature of representative or person making charge)  Fax No.  P.O. Box 760, Roseville, CA 75861  7-30/2018  e-Mail			4e. e-Mail	
Federation of Agents and International Representatives  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belisf.  813-727-2014  By Steven Marrs, President (signature of representative or person making charge)  Figure 1  P.O. Box 760, Roseville, CA 75861  Federation of Agents and International Representatives constituent unit (to be filled in when charge is filled by a labor representation)  Federation of Agents and International Representatives  Steven Marrs, President  (Print/type name and title or office, if any)  Fax No.			imarrod	02261
6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  By Steven Marrs, President  (signature of representative or person maiding charge)  P.O. Box 760, Roseville, CA 75861  Tel. No.  813-727-2014  Office, if any, Cell No.  Printitype name and title or offics, if any)  Fax No.	5. Full name of national or international labor organization of whice organization)	h it is an affiliate or constituent unit (to be fille	ed in when ch	arge is filed by a labor
By Atturn Maria read the above charge and that the statements are true to the best of my knowledge and belief.  By Atturn Maria Steven Marrs, President  (Print/type name and tille or office, if any)  Fax No.  P.O. Box 760, Roseville, CA 75861  P.O. Box 760, Roseville, CA 75861	rederation of Agents and International Re	epresentatives		, , , , , ,
By Atturn Maria read the above charge and that the statements are true to the best of my knowledge and belief.  By Atturn Maria Steven Marrs, President  (Print/type name and tille or office, if any)  Fax No.  P.O. Box 760, Roseville, CA 75861  P.O. Box 760, Roseville, CA 75861	6. DECLARATION	Professional and spire day saving a second great second	Tal No.	
(signature of representative or person maiding charge)  (Print/type name and title or offics, if any)  Fax No.  P.O. Box 760, Roseville, CA 75861	declare that I have read the above charge and that the statements are	e true to the best of my knowledge and belief.		313-727-2014
P.O. Box 760, Roseville, CA 75861 7-30/2018 e-Mail	By Attura Wicaso Stever	Marrs, President	Office, if a	ny, Cell No.
Address 1.0. 50x 700, Roseville, CA 75861	I Same of the last	no ype name and tille or offics, if any)	Fax No.	
date:   marrs@aol.com	P.O. Box 760, Roseville, CA 75861	7-30/2018	<b>S</b>	and com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information required to supply the Information will cause the NLRB will further explain these uses upon request. Disclosure of this information will cause the NLRB to decline to invoke its processes.

**EXHIBIT** Ex. G



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 7 Patrick V. McNamara Federal Building 477 Michigan Avenue, Room 300 Detroit, MI 48226

Agency Website: www.nlrb.gov Telephone: (313)226-3200 Fax: (313)226-2090

September 28, 2018

Jonathan D. Karmel, Esq. The Karmel Law Firm 221 N. LaSalle St., Ste 1550 Chicago, IL 60601-1224

Re:

Local No. 951, United Food and

Commercial Workers (UFCW), AFL-CIO

Case 07-CA-221165

Dear Mr. Karmel:

This is to advise that I have approved the withdrawal of the portions of the charge alleging 8(a)(3) and 8(a)(5) discriminatory changes to terms and conditions of employment, and 8(a)(4) discrimination.

The remaining allegation that the Employer violated Section 8(a)(5) of the Act by failing to furnish information requested by the Union remains subject to further processing.

Very truly yours,

Terry Morgan Regional Director

cc: John Cakmakci, President
Local 951, United Food and Commercial
Workers International Union (UFCW),
AFL-CIO
3270 Evergreen Drive, NE
Grand Rapids, MI 49525

Steven Marrs, President
Federation of Agents and International
Representatives
PO Box 760
Roseville, CA 95661-0760



INTERPHET FORM NLRB-50( (2-08)

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

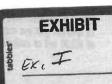
FORM EXEMPT UNDER 44 U.S.C 3512

DO NOT WRITE IN THIS SPACE

CHARGE AGAINST EMPLOY	ER Ca	50	Date Filed
NETRUCTIONS:	/	7-CA-223306	July 6, 2018
ite an original with NLRB Regional Director for the region in which th	e alleged unfair labor practice	occurred or is occurrin	g.
a. Name of Employer	GAINST WHOM CHARD	E IS BROUGHT	In The Street
Local 951, United Food and Commercial Workers I	ntemational Union (UF	CW), AFL-CIO	b. Tel. No. 800-999-0951
	•	,,	c. Cell No.
d. Address (Street, city, state, and ZIP code) 3270 Evergreen Drive N.E.	e. Employer Representativ	e	f. Fax No. 616-447-1000
Grand Rapids, Michigan 49525	President		g. e-Maii
			h. Number of workers employed
i. Type of Establishment (fectory, mine, wholeseler, etc.) Labor Organization	J. Identify principal product Representation of Wo	or service orkforce	
k. The above-named employer has engaged in and is engaging i	in unfair labor practices within	n the meaning of sect	on 6(a), subsections (1) and flist
subsections) (3)			r Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A	g of the Act, or these unfair is	abor practices are unf	air practices affecting commerce
2. Basis of the Charge (set forth a clear and concise statement of		Insued and to be hard and	-44
an anti- and and and the same and an anti-	n nua tama enusatatuli tun sit	iagao uniair lagor pra	ances)
Within the previous six months, the above-named E activity by, inter alia, changing terms and conditions	of employment		your beduest of their deblicat /
3. Full name of party fling charge (If labor organization, give full		and number)	10-10-10-10-10-10-10-10-10-10-10-10-10-1
Federation of Agents and International Representat	ives		_
48. Address (Street and number, city, state, and ZIP code)		- 4	lb. Tel. No. 813-727-2014
P.O. Box 760, Roseville, CA 95661		-	
•		1	c, Cefi No.
			id. Fax No.
		4	e. e-Mall
	Andrew Control		marrs1922@aol.com
5. Full name of national or international labor organization of whit organization) Federation of Agents and International F	ich it is an affiliete or constitu Representatives	ent unit (to be filled in	when charge is filed by a labor
6. DECLARATION teclare that I have read the above charge and that the statements a	are true to the best of my knowle	edge and belief.	Tel. No. 813-727-2014
The state of the s	en Marrs, President	1	Office, if any, Cell No.
(zignafürd of representative or person making charge) (#	<sup>a</sup> rintitype name and title or office,	E any)	Гах No.
P.O. Box 760, Roseville, CA 75661		/4//X	-Mali marrs@aoi.com
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE	MINIMALES BY FINE AND I	1 119	

Willful false statements on this charge can be punished by fine and imprisonment (U.S. Code, Title 18, Section 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or livingation. The routine uses for the information Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2005). The NLRB will further explain these uses upon request. Disclosure of this in voluntary; however, faiture to supply the information will cause the NLRB to decline to invoke its processes.



INTERNET FORM NLR8-501

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

	FORM EXEMPT UNDER 44 U.S.C 3512
DO NOT WRITE IN THIS SPACE	
Case Date Filad	
07-CA-223306	August 14, 2018

First Amended **INSTRUCTIONS:** 

File an original with NLRB Regional Director for the region in which the alleged enfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT b. Tel. No. 800-999-0951 a. Name of Employer Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO o, Cell No. f. Fax No. 616-447-1000 e. Employer Representative d. Address (Street, city, state, and ZIP code) 3270 Evergreen Drive N.€. John Cakmakci g. e-Mail President Grand Rapids, Michigan 49525 h. Number of workers employed 1. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Labor Organization Representation of Workforce k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (#st subsections) (3), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and conoise statement of the facts constituting the alleged unfair labor practices) Within the previous six months, the above-named Employer discriminated against its employees because of their Section 7 activity by, inter alia, changing terms and conditions of employment. Within the previous six months, the above-named Employer has made unliateral changes to terms and conditions of employment, and without first providing notice or an opportunity to bargain with the incumbent Union. 3. Full name of party filing charge (if tebor organization, give full name, including local name and number) Federation of Agents and International Representatives 4b. Tel. No. 813-727-2014 4a. Address (Street and number, city, state, and ZIP code) P.O. Box 760, Roseville, CA 95661 4c. Cell No. 4d. Fax No. 4e, e-Mall imarrs1922@aol.com 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor Federation of Agents and International Representatives Tel. No. 6. DECLARATION 813-727-2014 I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. Office, if any, Cell No. Steven Marrs, President (Print/type name and title or office, if any) (signature of representative or person making charge, Fax No. P.O. Box 760, Roseville, CA 75661 imarrs@aol.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) **PRIVACY ACT STATEMENT** 

Solicitation of the Information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully at the Information of the Information on this formation is to assist the Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this sequence of this sequence in the Information is to assist the Information on this formation is to assist the Information on the Information on the Information is to assist the Information of Information is Information in Information is Information in Information is Information in Information voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 7
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 300
Detroit, MI 48226

Agency Website: www.nlrb.gov Telephone: (313)226-3200 Fax: (313)226-2090

November 30, 2018

Jonathan D. Karmel, Esq. The Karmel Law Firm 221 N LaSalle St Ste 1550 Chicago, IL 60601-1224

Re:

Local No. 951, United Food and Commercial Workers (UFCW), AFL-CIO Case 07-CA-223306

Dear Mr. Karmel:

cc:

This is to advise that I have approved the withdrawal of the Section 8(a)(3) portion of the charge alleging the Employer has discriminated against its employees because of their Section 7 activity by changing terms and conditions of employment. The remaining portion of the charge alleging the Employer violated Section 8(a)(5) of the Act by making unilateral changes to terms and conditions of employment without bargaining with the Union remains subject to further processing.

Very truly yours,

Terry Morgan Regional Director

John Cakmakci, President Local 951, United Food and Commercial Workers (UFCW), AFL-CIO 3270 Evergreen Drive, NE Grand Rapids, MI 49525

Steven Marrs, President
Federation of Agents and International
Representatives
P.O. Box 760
Roseville, CA 95661-0760

Benjamin E. Wick, Esq.
The Wick Law Office, LLC
600 Grant Street
Suite 610
Denver, CO 80203

Amanda C. Swartz, Esq. The Wick Law Office, LLC 600 Grant Street Suite 610 Denver, CO 80203



FORM	NLRB-501
C	2-18)

#### UNITER OF AMERICA NATIONAL L JK KELATIONS BOARD CHARGE AGAINST EMPLOYER

NOT WR	TE IN THIS SPACE
Case	Date Filed
07-CA-225023	August 6, 2018

INSTRUCTIONS:	INS	TRU	CT	0)	13:
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File an original with NLRB Regional Director for the region in which the alla

1, EMP	LOYER AGAINST WHOM CHARGE IS BROUGHT	ring.
a. Name of Employer	THOM OF MICE TO BROUGHT	b. Tel. No.
Local 951, United Food and	Commercial Markeys	800-999-0951
union (upcws	APL-CIO	c. Cell No.
d. Address (Street, city, state, and ZIP code)		1. Fax. No. 616-447-1000
	e. Employer Representative	
3270 Evergreen Drive N.E.	401 11 00111111111111111111111111111111	g. e-mail
Grand Rapids, Michigan 4952		h. Number of workers employed 22
i. Type of Establishment (fectory, mine, wholesaler, etc.) Labor Organization	Kepresentation of Works	Force
The above-named employer has engaged in and is engaged list subsections) 8/1/4/8/3 practices are practices affecting commerce within the method and the Postal Reorganization Act.	of the National Labor F aning of the Act, or these unfair labor practices affecting o	telations Act, and thest unfair labor commerce within the meaning of
2. Basis of the Charge (set forth a clear and concise state	ment of the facts constituting the alleged golair labor pro-	rfina el
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has engaged in unlawful	processes of a stad or	nroogn 145 ugens
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Full name of party filing charge (if labor organization, git	/e full name, including local name and number	
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a. Address (Street and number, city, state, and ZIP code,	o to to the heptose	4b. Tel. No.
0 -		813-727-2014
P.O. Box 760, Rose vill	t. CA 95661	4c. Cell No.
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		4d. Fax No.
		4e. e-mail
Full name of national or international labor organization	of which it is an affiliate or constituent unit (to be filled in w	Jmarrs 1922 @aol.com
Federation of Agents		presentatives
6. DECLA I declare that I have read the above	PATION	Tel. No.
are true to the best of my	control and that the statements knowledge and belief.	813-727-2014
Sleven Mars	Steven Marrs, President	Office, if any, Cell No.
(signature of representative or person making charge)	(Print/type name and title or office, if any)	Fax No.
Address P.O. BOX 760, ROSCUI	He CA 7566 bato 8/4/182018	e-mail
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PRIVACY ACT STATEMENT

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### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST ENDLOYER

DO NOT WRITE	E IN THIS SPACE
Case	Date Filed
07-CA-225023	September 11, 2018

(2-00)	THE PROPERTY OF THE BUARD
First Amended	CHARGE AGAINST EMPLOYER
INSTRUCTIONS:	

File an original with MI RB Regional Diseases for the		UT-UT ELUCZU		September 11, 2018
File an original with NLRB Regional Director for the region in which th	e alleged unfair labor pract	ice occurred or is occur	ring.	
a. Name of Employer	GAINST WHOM CHAP	RGE IS BROUGHT		
Local 951, United Food and Commercial Workers II	nternational Union (L	JFCW), AFL-CIO	c. Ce	II No.
d. Address (Street, city, state, and ZIP code) 3270 Evergreen Drive N.E. Grand Rapids, Michigan 49525	e. Employer Represent John Cakmakci President	alive	f. Fau g. e-h	616-447-1000
	1100/4918		h. No	mber of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Labor Organization	j. Identify principal produ Representation of V	Vorldorce		
k. The above-named employer has engaged in and is engaging in subsections) (3), (5)  Directices are precises affecting commerce within the second		adding blastomes a life		
practices are practices affecting commerce within the meaning within the meaning of the Act and the Fostal Reorganization Act	iëla .			es affecting commerce
2. Basis of the Charge (set forth a clear and concise statement of	the facts constituting the	alleged unfair labor pr	actices)	
1) Within the previous six months, the Employer has quotas that have led to discipline and discharge, in v	discriminated agains iolation of Section 8(	st its employees by a)(3) of the Act.	y implem	enting membership
2) Within the previous six months, the Employer has violation of Section 8(a)(5) of the Act.	failed or refused to t	argain over the m	embersł	nip quota requirement, in
7 Full control of the first				
3. Full name of party filing charge (if labor organization, give full name)	ame, including local name	and number)		
Federation of Agents and International Representative	/es			
4a. Address (Street and number, city, state, and ZIP.code)			4b. Tel. No	<sup>1</sup> 813-727-2014
P.O. Box 760, Roseville, CA 95661		No.	c. Cell No	
		ļ-	ld. Fax No	).
			e. e-Mail	
5. Full name of national or international labor organization of which organization)	It is an affiliate as an article		marrs19	22@aol.com
Federation of Agents and International Re	presentatives	ient unit (to be filled in	when cha	rge is filed by a labor
6. DECLARATION  1 declare that I have read the above charge and that the statements are	true to the best of my know	ledge and belief,	el. No. 8°	13-727-2014
This had been all as a second as	Marrs, President		iffice, if any	y, Cell No.
(Num	Viype name and tills or office	if any) F	ax No.	
P.O. Box 760, Roseville, CA 75661	· -	1/////2015	Mail nams@s	aol com
		(0319)		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1601)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 of seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this in voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

INTERNET FORM NLR9-501 (2-08)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 351	FORM	EXEMPT	UNDER	44 1/5	.C 351
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DO NOT WRITE IN THIS SPACE

Case Date Filed

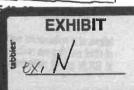
07-CA-225023

Second Amended

INSTRUCTIONS: 07-CA-225023 November 6, 2018 File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer b. Tel. No. 800-999-0951 Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO c. Cell No. f. Fax No. d. Address (Street, city, state, and ZIP code) 616-447-1000 e. Employer Representative 3270 Evergreen Drive N.E. John Cakmakci g. a-Mail Grand Rapids, Michigan 49525 President h. Number of workers employed i. Type of Establishment (factory, mine, wholeseler, etc.) j. Identify principal product or service Labor Organization Representation of Workforce k. The above-named amployer has engaged in and is angaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (fist subsections) (1), (3), (5) of the National Lebor Relations Act, and these unfair lebor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair lebor practices) 1) Within the previous six months, the Employer has discriminated against its employees by implementing membership quotes that have led to discipline and discharge, in violation of Section 8(a)(3) of the Act. 2) Within the previous six months, the Employer has failed or refused to bargain over the membership quota requirement, in violation of Section 8(a)(5) of the Act, 3) Within the previous six months, the Employer has interfered with, restrained or coerced employees in the exercise of their rights protected by Section 7 of the Act by making unlawful statements to employees. 3. Full name of party filing charge (If tabor organization, give full name, including local name and number) Federation of Agents and international Representatives 4a. Address (Street and number, city; state, and ZIP code) 4b. Tel. No. 813-727-2014 P.O. Box 760, Roseville, CA 95661 4c. Cell No. 4d. Fax No. 4e. e-Mail јтапа1922@aol.com 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Federation of Agents and International Representatives 6. DECLARATION have read the above charge and that the statements are true to the best of my knowledge and belief. Tel. No. 813-727-2014 Office, if any, Cell No. Steven Marrs, President (Print/type name end title or office, if any) Fax No. P.O. Box 760, Roseville, CA 75661 e-Mail imarrs@aol.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE; TITLS
PRIVACY ACT STATEMENT

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# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 7
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 300
Detroit, MI 48226

Agency Website: www.nirb.gov Telephone: (313)226-3200 Fax: (313)226-2090

November 30, 2018

Jonathan D. Karmel, Esq. The Karmel Law Firm 221 N LaSalle St Ste 1550 Chicago, IL 60601-1224

Re:

Local No. 951, United Food and Commercial Workers (UFCW), AFL-CIO

Case 07-CA-225023

Dear Mr. Karmel:

cc:

This is to advise that I have approved the withdrawal of the Section 8(a)(3) and (5) portions of the charge alleging the Employer has discriminated against its employees by implementing membership quotas that have led to discipline and discharge; and that within the previous six months, the Employer has failed and refused to bargain over the membership quota requirement.

The remaining portion of the charge alleging that the Employer violated Section 8(a)(1) of the Act by making unlawful statements to employees remains subject to further processing.

Very truly yours,

Terry Morgan Regional Director

John Cakmakci, President Local 951, United Food and Commercial Workers (UFCW), AFL-CIO 3270 Evergreen Drive, NE Grand Rapids, MI 49525

Steven Marrs, President
Federation of Agents and International
Representatives
P.O. Box 760
Roseville, CA 95661-0760

Amanda C. Swartz, Esq. The Wick Law Office, LLC 600 Grant Street Suite 610 Denver, CO 80203

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